IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE WRIT JURISDICTION

CIVL APPLICATION NO. 1251 OF 2006
IN
FIRST APPEAL NO. 425 OF 2006

Shakti Jaisingh Rane .. Applicant.

V/s.

Bombay Municipal Corporation ..Respondent.

Mr. M.D. Angal for the Applicant.

Mr. J.J. Xavier for the Respondent.

CORAM : A. S. OKA, J.

DATED : 20TH MARCH, 2006.

P.C.:

1. Rule. Respondent waives service. Taken up for hearing forthwith.

2. The suit structure was protected by interim order which was passed by the trial court during the pendency of the suit. The first appeal is already admitted and its final hearing is expedited. Therefore, the suit structure cannot be demolished till the disposal of the appeal.

3. Hence, I pass the following order :-

i. Till the final disposal of the Appeal there will be interim relief in terms of prayer clause (a), subject to the condition that the appellant will not create any third party interests in respect of the suit structure and shall not part with possession thereof in favour of the third party and the appellant will not change the nature of the suit structure by carrying out any additions or alterations.

ii. If the applicant commits any breach of the conditions imposed by this order, it will be open for the respondent corporation to move this court for vacating the interim relief.

4. Civil application is disposed of in the above terms with no order as to costs.

20.03.2006 (A.S. OKA,J)

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